Countering Foreign Interference Complaint Procedure

Section 1 - Purpose

(1) Macquarie University aims to provide an environment for staff, students and community members that is free from foreign interference, that promotes mutual respect, and that respects and upholds the principles of freedom of speech and academic autonomy.

(2) The purpose of this document is to detail how complaints will be handled by the University if they disclose probable acts of foreign interference. This Procedure aims to:

a. describe how the University will typically handle the formal disclosure of a probable foreign interference event, or an event that is indicative of foreign interference;
b. guide the handling and resolution of complaints that disclose probable matters of foreign interference;
c. provide for the timely escalation of these matters;
d. detail the roles and responsibilities for those involved in handling disclosures of probable foreign interference;
e. promote the appropriate, sensitive, confidential and timely resolution of probable foreign interference matters in so far as is reasonably possible.

Scope

(3) This Procedure applies to disclosures of probable foreign interference events and matters made via the Complaint Management Procedure for Staff, and the Complaints Resolution Procedure for Students and Members of the Public.

(4) This Procedure only applies to probable foreign interference events, and relies on the Australian Government definition of foreign interference as an activity that is:

a. carried out by, or on behalf of a foreign actor;
b. coercive, corrupting, deceptive, or clandestine; and,
c. contrary to Australia's sovereignty, values and national interests.

(5) This Procedure does not apply to complaints that describe matters that do not meet the definition of foreign interference in clause 4 and could not reasonably be presumed to have been carried out by, or on behalf of, a foreign actor.

Compatibility with Existing Policies and Procedures

(6) Complaints will be handled by the relevant complaint management procedure, and this Procedure should be read in conjunction with the relevant policy and procedure.

(7) This Procedure is intended to supplement existing procedures to ensure that probable foreign interference matters are escalated via Macquarie University's counter foreign interference pathways in a timely and appropriate manner.

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Section 2 - Policy

(8) The key processes, policies and procedures that this Procedure operates in relation to include:

a. Complaints Resolution Policy for Students and Members of the Public;
b. Complaint Management Procedure for Staff;
c. Public Interest Disclosure Policy;
d. Policy Reports of fraud, corruption and other serious wrongdoing;
e. Macquarie University Privacy Management Plan 2015 and Privacy Policy ;
f. The Macquarie University Code for the Responsible Conduct of Research – issues of research integrity and research misconduct;
g. Enterprise Agreements; and,
h. Health and Safety policies and procedures.

Section 3 - Procedures

(9) This Procedure refers to formal complaints that have been received by Macquarie University using the Feedback, Complaints and Misconduct Reporting Form.

(10) Macquarie University staff members who receive an informal complaint from a student or a community member should submit the complaint using the Feedback, Complaints and Misconduct Reporting Form if they believe the complaint may involve a disclosure of foreign interference.

(11) During the preliminary assessment of formal complaints, the Complaints, Appeals and Misconduct Unit will make a determination as to whether any given matter may involve a probable act of foreign interference.

(12) If the Complaints, Appeals and Misconduct Unit is uncertain as to whether a matter may involve foreign interference, they will seek advice from the National Security and Defence team at foreign.relations@mq.edu.au.

(13) If the Complaints, Appeals and Misconduct Unit identifies a probable matter of foreign interference in connection with a formal complaint, the Manager, Complaints, Appeals and Misconduct and the Manager, National Security and Defence will consider the formal complaint and may:

a. determine that the matter does not involve foreign interference; or
b. determine that the matter may involve foreign interference.

A determination will be made by the Manager, National Security and Defence and endorsed by the Manager, Complaints, Appeals and Misconduct.

(14) Where a matter may involve foreign interference, the Manager, National Security and Defence will consider advice from the Manager, Complaints, Appeals and Misconduct, and make recommendations for endorsement by the Deputy Vice-Chancellor (Academic) and decision by the Deputy Vice-Chancellor (Research). These recommendations may include:

a. whether any additional actions not contemplated by the relevant policy and procedure should apply to Macquarie University's handling of the matter;
b. whether the matter should be referred to a separate Macquarie University policy or procedure for resolution;
c. whether the matter should be referred to a local, state or federal agency of government;
d. if any additional support should be provided to the individuals involved beyond the support already provided by

Macquarie University via the relevant policy and procedure.

e. whether the matter warrants a review of existing process, policy or procedure;
f. whether the matter warrants an investigation that is of substantially different scope or focus of inquiry than an investigation that may already be required by the relevant policy or procedure; and
g. the management of any other business that directly relates to the resolution of the matter.

(15) The Manager, National Security and Defence will be responsible for carrying out the actions approved by the Deputy Vice-Chancellor (Research). The Manager, National Security and Defence will be responsible for undertaking any relevant internal or external reporting, and for communicating outcomes to the individual that disclosed the matter. The communication of outcomes will be undertaken based on advice from the Manager, Complaints, Appeals and Misconduct.

(16) If the matter is reported to an external Australian Government agency and Macquarie University receives official advice recommending that certain actions are undertaken, the Manager, National Security and Defence will review these actions in consultation with the Deputy Vice-Chancellor (Research) and the Deputy Vice-Chancellor (Academic). Actions endorsed by the Deputy Vice-Chancellor (Academic) and approved by the Deputy Vice-Chancellor (Research) will be undertaken as appropriate.

Probable Foreign Interference Matters

(17) A probable matter of foreign interference will meet the definition set out in clause 4.

(18) Macquarie University does not need to be certain that a matter involves foreign interference in order to apply this Procedure to the management of a formal complaint.

(19) Probable matters of foreign interference may include:

a. harassment, intimidation, bullying or doxing ;
b. coercive, corrupting, deceptive or clandestine conduct;
c. student and staff academic self-censorship linked to behaviours described by 19(a) or 19(b)

where (a), (b) or (c) target Macquarie University staff or students and have a high likelihood of being carried out by, or on behalf of, a foreign actor.

(20) Macquarie University will rely on publicly available Australian Government policy documents, speeches and official advice when determining if a matter outlined by clause 19 may be contrary to Australia's sovereignty, values and national interests.

(21) A formal complaint that describes a probable foreign interference event will be handled in accordance with this Procedure in addition to the relevant policies and procedures that would normally apply.

Section 4 - Guidelines

(22) Nil.

Section 5 - Definitions

(23) Nil.

Status and Details

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Approval Date	14th March 2023
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Responsible Executive	Ross McLennan Pro Vice-Chancellor, Research Services +61 2 9850 7737
Responsible Officer	Jack Williams Manager, National Security and Defence
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